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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,782	02/24/2006	Norbert Lobig	0119010-00128	6009

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EXAMINER
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EBRAHIM, ANEZ C

ART UNIT	PAPER NUMBER
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2419

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/569,782	<b>Applicant(s)</b> LOBIG, NORBERT	
	<b>Examiner</b> ANEZ EBRAHIM	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 14 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims 12-15 and 17-22 have been examined and are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 12 and 19-22 are rejected under 35 U.S.C. 103(a) as being anticipated by US PG Publication 20040042485 A1 Gettala et al (here in after "Gettala") in further in view of US Patent US 6775255 B2 ,Roy (here in after "Roy").

**As per claim 12**, Gettala teaches a method for controlling a communication gateway having a plurality of lines ( *Fig 1 link a and link b*) via a first peripheral device (*Fig 1, Box 107, signaling node A*) and a second peripheral device (*Fig 1, Box 108, signaling node B*), comprising:

registering for a first packet-based signaling connection with the first device by the gateway (*Para [0021], media gateway registers in the media gateway controller through the primary link Link A*), wherein the first connection is active in switching terms for all of the lines (*Fig 1, link A is the active link from media gateway 101 to media gateway controller 102*);

registering for a second packet based signaling connection with the second device by the gateway wherein the second connection is not active (*Para [0027], when the there is failure in the active link gateway switched through the standby link or link B*), wherein the lines are selected from the group consisting of: subscriber lines, trunk lines, (*Para [0035], ISDN lines and SS7 trunk lines*) and combinations thereof, whereby the non-accessibility or non-operability of the lines is minimized during a switchover from the first device to the second device ( *Para[0013], when a link fails it switch over to backup link in reliable connection method*).

Gettala does not teach but Roy teaches , wherein registrations occur during power-on of the gateway (*Column 31, line 31-34, a gateway or MCU registration occurs during the power-up sequence in an H.323 environment with gatekeeper* ).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the system of Gettala by wherein registrations occur during power-on of the gateway, as suggested by Roy. This modification would benefit the system of Gettala for an IP device to register locally when the system in power on (Abstract, line 8-10)

**As per claim 19**, combination of Gettala and Roy teaches the method according to claim 12, Gettala further teaches wherein the gateway is selected from the group consisting of: a trunk gateway, access gateway, and a media gateway (*Fig 1, Box 101, Media gateway, is also a trunk gateway or access gateway which connects PSTN to VoIP*).

**As per claim 20**, combination of Gettala and Roy teaches method according to claim 12, Gettala further teaches wherein the gateway receives a message on the second connection to indicate a switchover to the second device (*Para [0028], The switchover request is acknowledged and acted upon by an activation message sent from the link B which is the secondary link*).

**As per claim 21**, combination of Gettala and Roy teaches the method according to claim 20, Gettala further teaches wherein the message is a standard-compliant message that is used exclusively for a switchover (*Para [0027], H.248 signaling messages used for informing the access gateway and media gateway controller*), and

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wherein the gateway evaluates the message as a switchover ( *Para[0028], media gateway 101 receives the signal from the link and switch the link to stand by link*).

**As per claim 22**, combination of Gettala and Roy teaches the method according to claim 12, Gettala further teaches wherein a reliability of the linking of the gateway is increased by exchanging cyclical test messages between the gateway and the devices via a corresponding operator alerting (*Para[0014], ICMP echo and reply messages is used for the link integrity and test messages*)

**3.** Claims 13-15 and 17, are rejected under 35 U.S.C. 103(a) as being anticipated Gettala, Roy, and further in view of US Patent 7065041 B2 Sen (here in after "Sen").

**As per claim 13**, combination of Gettala and Roy does not teach but Sen teaches the method according to claim 12, wherein each device has a different Internet Protocol (IP) address (*Fig 1, Media Gateway Controller 24 has two different IP address connecting to two media gateways gateway 16 and gateway 18 which are located in two different IP network* ).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the system of Gettala by wherein each device has a different Internet Protocol (IP) address, as suggested by Sen. This modification would benefit the system of Gettala for resilient path identification using IP address identification (*Column 2, line 39-42*)

**As per claim 14**, combination of Gettala, Roy and Sen teaches a method according to claim 13, combination also teaches wherein the devices are mutually redundant (*Gettala, Para[0017], Media Gateway Control is couple to the gateway for redundant call signaling* ).

**As per claim 15**, combination of Gettala, Roy and Sen teaches a method according to claim 14, wherein the devices are arranged within a Media Gateway Controller (MGC) (*Gettala, Fig 1, Signaling node A and signaling node B are arranged in the media gateway controller Box 102*).

**As per claim 17**, combination of Gettala and Roy teaches the method according to claim 12, combination is silent but Sen teaches wherein the registrations are substantially simultaneous (*Sen, Fig 22a, Box 2202 a fixed terminal and mobile entity 2204 can be register with home gatekeeper GK1*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the system of Gettala by wherein the registrations are substantially simultaneous, as suggested by Roy. This modification would benefit the system of Gettala for an IP device to register locally when the system in power on (Abstract, line 8-10)

**4.** Claim 18 is rejected under 35 U.S.C. 103(a) as being anticipated Gettala, and further in view of US Patent US 6891833 B1, Caves et al (here in after "Caves").

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**As per claim 18** combination of Gettala and Roy teaches the method according to claim 12, combination is silent but Caves teaches wherein a load sharing operation is provided by the signaling connection for each port (*Column 5, line 3-7, for load sharing operation between node 21 and node 22 per each between two nodes using signaling connection* ).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the system of Gettala by wherein a load sharing operation is provided by the signaling connection for each port, as suggested by Caves. This modification would benefit the system of Gettala for Sharing the aggregated traffic between two device located in an IP network (*Column 2, line 62-65*)

### ***Response to Arguments***

On page 6 of Applicants Response, with regards to claim 12 applicant argues: "registrations of the signaling connections with the first device and with the second device occurring during power-on of the gateway". Applicant's arguments filed regarding the claim 12 have been fully considered but they are not persuasive. Claim 12 recites ", wherein registrations occur during power-on of the gateway, Roy teaches an endpoints (gateways and MCE) registration with gatekeeper during power on gateway device (*Column 31, line 31-33, a gateway or MCU registration occurs during the power-up sequence in an H.323 environment with gatekeeper*).



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Prior arts made of record, not relied upon: US Patent US 6614781 B1; US 6856676 B1; US Patent Publication US 2008/0002669 A1;

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANEZ EBRAHIM whose telephone number is (571)270-7153. The examiner can normally be reached on M-F 8 AM to 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ACE/

6/22/2009

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 2419